

House Bill 1256

By: Representatives Manning of the 32<sup>nd</sup>, Gardner of the 57<sup>th</sup>, and Lindsey of the 54<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual  
2 offenses, so as to mandate a minimum age for the prosecution of the offenses of prostitution  
3 and masturbation for hire; to provide for matters related to prosecuting certain sexual  
4 offenses; to provide for certain procedures for minors that are younger than the minimum age  
5 for the prosecution of the offenses of prostitution and masturbation for hire and are found  
6 committing such offenses; to amend Titles 19 and 49 of the Official Code of Georgia  
7 Annotated, relating to domestic relations and social services, respectively, so as to expand  
8 the definition of prostitution; to provide for related matters; to repeal conflicting laws; and  
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses,  
13 is amended by revising Code Section 16-6-9, relating to prostitution, as follows:

14 "16-6-9.

15 (a) A person who is 16 years of age or older commits the offense of prostitution when he  
16 or she performs or offers or consents to perform a sexual act, including but not limited to  
17 sexual intercourse or sodomy, for money or other items of value.

18 (b) A minor younger than 16 years of age found by law enforcement authorities  
19 committing an act that would otherwise be an offense pursuant to subsection (a) of this  
20 Code section but for such minor's age shall be taken to the county department of family and  
21 children services with jurisdiction in the county where the acts were committed. After  
22 taking custody of a minor pursuant to this subsection, the county department of family and  
23 children services shall take all appropriate steps to contact the parents or legal guardian of  
24 such minor. If the county department of family and children services determines that  
25 placing such minor in the custody of his or her parents or legal guardian is not in the best

26 interest of him or her, the county department of family and children services shall take  
27 custody of such minor and place him or her into foster care."

28 **SECTION 2.**

29 Said chapter is further amended by revising subsection (a) of Code Section 16-6-16, relating  
30 to masturbation for hire, as follows:

31 "(a) A person who is 16 years of age or older, including a masseur or masseuse, commits  
32 the offense of masturbation for hire when he or she erotically stimulates the genital organs  
33 of another, whether resulting in orgasm or not, by manual or other bodily contact exclusive  
34 of sexual intercourse or by instrumental manipulation for money or the substantial  
35 equivalent thereof.

36 (a.1) A minor younger than 16 years of age found by law enforcement authorities  
37 committing an act that would otherwise be an offense pursuant to subsection (a) of this  
38 Code section but for such minor's age shall be taken to the county department of family and  
39 children services with jurisdiction in the county where the acts were committed. After  
40 taking custody of a minor pursuant to this subsection, the county department of family and  
41 children services shall take all appropriate steps to contact the parents or legal guardian of  
42 such minor. If the county department of family and children services determines that  
43 placing such minor in the custody of his or her parents or legal guardian is not in the best  
44 interest of him or her, the county department of family and children services shall take  
45 custody of such minor and place him or her into foster care."

46 **SECTION 3.**

47 Said chapter is further amended by adding a new Code section to read as follows:

48 "16-6-26.

49 The inability to prosecute any person involved in an alleged act of prostitution shall not bar  
50 prosecution of any other party charged with a violation of this chapter nor serve as a  
51 defense to such crime."

53 **SECTION 4.**

54 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is  
55 amended by revising paragraph (4) of subsection (b) of Code Section 19-7-5, relating to  
56 reporting of child abuse, as follows:

57 "(4) 'Sexual exploitation' means conduct by any person who allows, permits, encourages,  
58 or requires that child to engage in:

59 (A) Prostitution, as defined in Code Section 16-6-9, notwithstanding the age of the  
60 child or the inability to prosecute the child for such offense; or

(B) Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, as defined in Code Section 16-12-100."

#### SECTION 5.

Said title is further amended by revising paragraph (12) of Code Section 19-15-1, relating to definitions relative to child abuse, as follows:

"(12) 'Sexual exploitation' means conduct by any person who allows, permits, encourages, or requires that child to engage in:

(A) Prostitution, as defined in Code Section 16-6-9, notwithstanding the age of the child or the inability to prosecute the child for such offense; or

(B) Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, as defined in Code Section 16-12-100."

#### SECTION 6.

Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended by revising paragraph (6) of subsection (a) of Code Section 49-5-40, relating to definitions relative to child abuse and deprivation records, as follows:

"(6) 'Sexual exploitation' means conduct by any person who allows, permits, encourages, or requires that child to engage in:

(A) Prostitution, as defined in Code Section 16-6-9, notwithstanding the age of the child or the inability to prosecute the child for such offense; or

(B) Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, as defined in Code Section 16-12-100."

#### SECTION 7.

All laws and parts of laws in conflict with this Act are repealed.